

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

TORETTO MICHAEL REDHORSE,
Defendant.

MEMORANDUM DECISION AND
ORDER

Case No. 2:16-CR-00011-TC

Judge Tena Campbell

On May 17, 2017, the court found Defendant Toretto Michael Redhorse incompetent to stand trial. Complying with 18 U.S.C. § 4241(d), the court committed Mr. Redhorse to the custody of the Attorney General. The court also ordered counsel to submit briefing on the procedural steps the case should follow now that Mr. Redhorse has been found incompetent. Counsel has submitted its briefing, which the court has reviewed.

The initial commitment of a person deemed incompetent to stand trial shall be “for . . . a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future” he will be restored to competency. 18 U.S.C. § 4241(d)(1). The language of the statute does not explicitly require a hearing at the end of the “reasonable period of time, not to exceed four months”—but it does require the court to make findings as to whether more time for treatment is justified. Id. And the commitment may continue for an additional reasonable period of time only if the court finds “that there is a substantial probability” that the additional time will enable the defendant to be restored to competency. Id. § 4241(d)(2)(a).

Here, Mr. Redhorse is already in the custody of the Attorney General. In an effort to ensure that Mr. Redhorse’s commitment complies with all statutory requirements, the court ORDERS as follows:

- 1) The Attorney General or his designee shall file reports with the court on Mr. Redhorse’s mental status. The reports must be filed on thirty-day intervals, with the first being submitted thirty days from the date of this Order. See United States v. Filippi, 211 F.3d 649, 652 (1st Cir. 2000);

United States v. Olmedo-Guzman, 2006 WL 1720635, at *1 (E.D. Tex.
June 22, 2006)

- 2) Additionally, the court will hold a status conference on August 9, 2017, at 2:00 PM. Mr. Redhorse need not attend. At this status conference, the court intends to discuss the status reports filed by the Attorney General, the procedural steps needed to move forward with this case, and other related topics.

DATED this 2nd day of June, 2017.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
U.S. District Court Judge